

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

OVERDRIVE, INC.,)	
)	
Plaintiff,)	CASE NO. 1:17 CV 165
)	
v.)	JUDGE SOLOMON OLIVER, JR.
)	
OPEN EBOOK FORUM d/b/a)	
INTERNATIONAL DIGITAL)	
PUBLISHING FORUM,)	
)	
Defendant.)	

PLAINTIFF OVERDRIVE, INC.'S MOTION FOR SUMMARY JUDGMENT

Plaintiff OverDrive, Inc. moves this Court, pursuant to Fed. R. Civ. P. 56(a), for an order granting summary judgment that a transfer by Defendant Open eBook Forum d/b/a International Digital Publishing Forum of the EPUB copyrights to the Massachusetts Institute of Technology would be invalid in violation of 17 U.S.C. § 204(a). No genuine issues of material fact exist and the Plaintiff is entitled to judgment as a matter of law. A memorandum in support of this motion is incorporated by reference.

Dated: March 12, 2019

Respectfully submitted,

/s/ Mark E. Avsec
Mark E. Avsec (0064472)
mavsec@beneschlaw.com
Andrew G. Fiorella (0077005)
afiorella@beneschlaw.com
**BENESCH, FRIEDLANDER,
COPLAN & ARONOFF LLP**
200 Public Square, Suite 2300
Cleveland, Ohio 44114
Telephone: (216) 363-4500
Facsimile: (216) 363-4588

Attorneys for Plaintiff OverDrive, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically with the Court's Case Management/Electronic Case Files (CM/ECF) docketing system on March 12, 2019. Notice of this filing will be served upon counsel of record by operation of the CM/ECF system.

/s/ Mark E. Avsec

Mark E. Avsec (0064472)

*One of the Attorneys for
Plaintiff OverDrive, Inc.*